Navigating AI Power

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Abstract

The article addresses the concept of power, particularly exploring the impact of artificial intelligence (AI) implementation on political, social, and legal domains. This comprehensive research examines the dual nature of artificial intelligence, as both a transformative force on society and a tool through which influence is exerted, and highlights redistribution of power in society via AI technologies that challenges traditional mechanisms of governance and societal control. Through analytical and conceptual legal framework, this study discusses perspectives on the power dynamics shaped by AI technologies and the concepts of AI Knowledge, Person Incapacitated Mentally via AI and Paradox of Obedience to Emptiness. The findings reveal that the power of AI is not possible without human initiation and human obedience. AI has transformative potential to diminish Social Power and create opportunities for manipulation with the risks of power disbalance. It is recommended that the AI systems, as a technology with a mass application, should be regulated as a technology that significantly influences society. By analysing AI through the lens of power, this paper seeks to highlight AI's potential to change the power balance while offering a framework for its responsible regulation.

Keywords: Artificial Intelligence · Power · Influence · Human rights · Technology

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Introduction

Human civilisation is permanently faced a technological evolution, which triggers societal changes and alters the balance of power between individuals, institutions and state authorities. Technology is reshaping traditional relationships by introducing new digital instruments that substantially influence the distribution of power between society and authority. The consequences of this shift are challenging for human rights.

The concept of power is perceived as a vague or abstract but has significant meaning for the shaping societal and normative order. Rooted in humans, the concept of power can be defined as the empirical act of will that is capable of influencing and establishing norms. According to the modern interpretation, power is not the possession of resources but rather the relationship among people, where one party is more dependent on the other. Artificial intelligence could influence the relationship between significant players and members of society by changing information, which is the source of knowledge and truth. Human's uncritical belief in the recommendations of artificial intelligence enhances the ability to influence and control humans. This, in turn, forms trust and beliefs in artificial intelligence. Artificial intelligence has no own capability to noesis and ethics. Hence, it cannot perceive ideas or fairly estimate ethical values. The recommendations of artificial intelligence are ethicalally defective and inherently imperfect if measured against objectivity and fairness. The iterative process of human judgement, consideration from different sides and by multiple methods drastically contrasts to the AI one-model-for-all principle.

Society should be prepared to face and resist technological challenges. The modern approaches to regulating AI systems are focused on ethical, human-centric and red-line risk concepts. The concept of ethics encompasses the distinctions between right and wrong, good and bad, in various cultures and contexts. However, the ethics' ambiguity of terms hinders its practical application. The human-centric approach objectifies and measures human rights as

the ability to perform certain actions but undermine by public and security interests. The risk approach is a methodological framework that that objectify artificial intelligence but not humans. The risk approach assesses the safety and reliability of artificial intelligence systems. Regulators have a tendency to prioritize the governance of risk and the execution of audits related to technology to prevent harm, as well as the reduction of barriers to technological development.

The power approach proposes to focus on the human as an active subject, an actor, and a person who uses AI to violate the human's ability to do something, rather than the human as a passive object. It is crucial to consider the distribution of power and, in particular, the ability to manipulate enabled via AI to some members of human society and the obedience demonstrated by humans towards AI. AI is an inherently powerless and non-personified emptiness. Obedience to AI create a Paradox of obedience to emptiness. However, it is important for humans to be aware that behind the apparent power of AI is always an intentional human individual will. The problems expected from AI technology are not about competition between AI and humans, or about the dominance of technology over society, but rather about the self-sufficiency of humans and their willingness to obey those who take control and use technology in society without any right or power granted by society, having failed to obtain proper societal consent on issues of supremacy.

In a society where human beings are lacking in knowledge, critical thinking skills and freedom of will, there is an increased risk of being influenced by others and manipulated. History demonstrates a lot of examples where exploitation of humans is a sign of unfairness towards society. The new era of power via AI creates a new AI controlled illiberal society. The society that needs special protection. The possibility of economic, social or political dominance via technology should be restricted. Consequently, conducting a research focused on vulnerability populations from the power perspective becomes essencial. The paper is

divided into three main sections. The first section considers the notion of power, provides definition of political, social, legal and market power, reviews the relationships between participants. The second section considers the power of artificial intelligence and power via artificial intelligence, analyses trust and obedience to artificial intelligence, and describes the power approach. The conclusion summarises the results of research. The purpose of this paper is to examine artificial intelligence from the power perspective; discuss the enlargement of power via artificial intelligence and the ability of artificial intelligence to affect the power of society. Throughout the article, the abbreviation "AI" will be used to refer to artificial intelligence.

1. Power

1.1. The Power Definitions and Dimensions

Power is sometimes perceived as an abstract term with many aspects. Historically power is considered as a resource-based ability founded on assets and monopoly. In the highly networking world power is the set of relationships among people. Plenty of elements are underlining and often interchanged with the term power: influence, control, coercion, force, persuasion, deterrence, compellence, and inducement.[2] Baldwin explained that power is a relationship (actual or potential) in which the behaviour of actor 'A' at least partially causes a change in the behaviour of actor 'B'.[3] Peszynski underlines that power is a dynamic constantly changing set of relationships created through the use of discourse, the practices of talk, text, and arguments.[4]

[2] Baldwin, David A. "Power and international relations." Handbook of international relations 2 (2013): 273-297. P.273.

[3] Baldwin, David A. "Power and international relations." Handbook of international relations 2 (2013): 273-297. P.274.

[4] Peszynski, Konrad J., and Brian J. Corbitt. "Politics, complexity, and systems implementation: Critically exposing power." Social Science Computer Review 24, no. 3 (2006): 326-341. P.329.

Some scientists conceptualise power as the actualisation of will through established norms. Mokken and Stokman describe power as the capacity to determine the actions of others in accordance with the will or the purposes of the holder of power.[5] Von Wright and Henrik define power' as competence, by virtue of norm, to act as an authority of norms.[6] Zimmerling describes power as an empirical act of will, laid down in norms with the corresponding content and a de facto ability to impose those norms in a society.[7] Weber notes that the "power is the probability that one actor within a social relationship will be in a position to carry out his own will despite resistance, regardless of the basis on which this probability rests."[8]

Power is domination. Weber distinguishes two basic types of power, the domination of others that rests on the ability to influence their interests, and the domination that rests on authority, that is, the power to command and the duty to obey.[9]

Power can be active and passive. Locke argued that power is either active (power to make changes) or passive (power to receive changes).[10] These explanations demonstrate two main characteristics of the power relationship: the subject's (influencer) ability to influence and object's (influenced) ability to obedience.

[5] Mokken, Robert J., and Frans N. Stokman. "Power and influence as political phenomena." Power and political theory: Some European perspectives (1976): 33-54. P.34.

[6] Von Wright, Georg Henrik. "Norm and action: a logical enquiry." USA: Routledge and Kegan Paul (1963). P.192.

[7] Zimmerling, Ruth. Influence and power: Variations on a messy theme. Vol. 68. Springer Science & Business Media, 2006. P.257.

[8] Weber, The Theory of Social and Economic Organization (New York, Oxford University Press, 1947), p. 152.

[9] Blau, Peter M. "Critical remarks on Weber's theory of authority." *American Political Science Review* 57, no. 2 (1963): 305-316.

[10] Locke, John. An essay concerning human understanding. E1–5 II.xxi.2: 234. Kay & Troutman, 1847.

Power can be determining depending on the importance of outcome. Steven Lukes concentrates on shaping and influencing desires and beliefs and proposes the three levels of power: power exercised over the individual or groups in everyday decision-making; power impacting upon the trajectories of societal development (human rights, values); and power involving existential threats to humanity.[11] Lukes assumes that control can be over decision-making and non-decision making and control over agenda.[12]

While force, coercion and sanctions are sufficient characteristics of power, they are not necessary ones.[13] Deleuze notes that force is not to be confused with power. Force arrives from outside to break constraints and open new vistas. Power builds walls.[14] Power involves the ability to sustain control via adaptation in the long run. Hence power could be measured as an ability to adapt. Katzenstein and Seybert called it the protean power, which is the effect of actors' agility and ability to exercise control as they adapt in situations of uncertainty.[15]

Zimmerling notes that there are three conceptions of power and influence: power based on sanctions, influence based on persuasion, and power based on normative authority.[16]

It would be a mistake to believe that power is equal to influence. Power is rather an unconditional potential to influence or control. Mokken and Stokman note that power is the

[11] Lukes, Steven. Power: A radical view. Bloomsbury Publishing, 2021.

[12] Lukes, Steven. Power: A radical view. Bloomsbury Publishing, 2021.

[13] Mokken, Robert J., and Frans N. Stokman. "Power and influence as political phenomena." Power and political theory: Some European perspectives (1976): 33-54.

[14] Deleuze, Gilles, and Félix Guattari. Capitalism and schizophrenia. Vol. 1. New York, NY: Viking Press, 1977.

[15] Katzenstein, Peter J. "Protean power: a second look." International Theory 12, no. 3 (2020): 481-499.

[16] Zimmerling, Ruth. Influence *and power: Variations on a messy theme*. Vol. 68. Springer Science & Business Media, 2006. P.106.

possibility of restricting action alternatives of others.[17] Control and influence are the externalities of power but not the power itself. Cassinelli argues that the difference between influence and control is that when an activity is influenced, it is free, and when it is controlled, it is unfree.[18] Lukes argued that there is a 'third dimension' of power. The third dimension of power is the capacity to secure compliance to domination through the shaping of beliefs and desires, by imposing internal constraints under historically changing circumstances.[19]

Some scientists argue that there is negative power.[20] Negative power is a power that produces the opposite effect. For example, after the command stop, the system will run. By utilising negative power, the person can unleash the dangerous actions of the artificial intelligence system. However, it is better to define it as malfunction rather than power.

It is possible to define the three major dimensions of power: Scope; Sphere; and Weight. The scope is the extent of power. The scope of power varies depending on the extent of application. Scope depends on an instrument providing power. In this sense an artificial intelligence system is an instrument determining the scope of power. Scope could be limited by law in discriminatory, harmful, or other sensitive issues. Sphere is the area of activity. Power varies according to the sphere of implementation. Weight is the probability of implementation of a certain power or instrument that can result in negative consequences. Depending on actors and situations the power has relative and relational dimensions.

[17] Mokken, Robert J., and Frans N. Stokman. "Power and influence as political phenomena." Power and political theory: Some European perspectives (1976): 33-54.

[18] Cassinelli, C. W. "Influence, Control, and Power." In Free Activities and Interpersonal Relations, pp. 43-57. Springer, Dordrecht, 1966. and Zimmerling, Ruth. Influence and power: Variations on a messy theme. Vol. 68. Springer Science & Business Media, 2006. P.106.

[19] Lukes, Steven. "Power: A radical view" Macmilian Education UK. (2005). P.143.

[20] Dahl, Robert A. "The concept of power." Behavioral science 2, no. 3 (1957): 201-215. P.205.

According to Teo the relative power refers to the notion that power is meaningful only when compared against another actor; the relational power reflects the idea that the type of power required depends on the particular situation.

For the purpose of the present research, power is defined as the ability to control, influence, or determine the actions of live creatures or another tech and non-tech personal emptiness.

1.2. Political and Social Power

In most cases, power is considered from a political, social and legal point of view. Political Power is the authoritative relationship that occurs in the political sphere. Mokken and Stokman define Political Power as the capacity to fix or change a set of alternative value allocations for the members of a social system or for parts of it.[21] It can be argued that values are not the only components to be allocated. There are a lot of ways to change humans' behaviour. It could be value allocation, changes in perception of reality, deformation of goals, manipulation, limitation of choices. Political Power influences society through legal norms to affect the choice by allocation of benefits and imposing sanctions. Political Power is distributed through the 'man-made' establishment (or prevention of the establishment) of institutions.[22] Variety and power of institution determines balance of power in society. Political Power influences society and Social Power. Teo notes that the social dimension of power means ascribing state power to social institutions.[23] According to Zimmerling one of

[21] Mokken, Robert J., and Frans N. Stokman. "Power and influence as political phenomena." Power and political theory: Some European perspectives (1976): 33-54.

[22] Zimmerling, Ruth. *Influence and power: Variations on a messy theme*. Vol. 68. Springer Science & Business Media, 2006. P.90.

[23] Teo Sarah, Journal: International Theory / Volume 14 / Issue 1 / March 2022. Published online by Cambridge University Press: 13 January 2021, pp. 1-24

the main purposes of a political system is the control, in different ways, of people's behaviour, i.e., the exercise of public Social Power.[24] The Political Power involves a focus on behaviour of participants seeking and making the decisions on issues over which there is an observable conflict of subjective interests, revealed by participants. The dominant power results in a dominant interest.

The political power can exist in the types of sovereign power (monarchy), disciplinary power and control power.[25] The sovereign power is exercised through public punishment.[26] The disciplinary power operates through subtle, pervasive mechanisms of control and normalization.[27] The control power refers to the monitoring, collection of data and modulation of behaviour of "dividuals" through incentives rather than strict prohibitions.

Social Power is connected to collective human activity. Max Weber characterises Social Power as ‘any ability to impose one’s own will in a social relationship, even against opposition, regardless of what that ability is based on’.[28] Barry defines Social Power as the ability to cause things to happen when the object is actions by other people.[29] Social Power can be public and private. Public Social Power is based on the agent’s collective characteristics. Private Social Power is based on the agent's individual characteristics.

[24] Zimmerling, Ruth. Influence and power: Variations on a messy theme. Vol. 68. Springer Science & Business Media, 2006.

[25] Deleuze, Gilles. "Postscript on the Societies of Control." In Surveillance, crime and social control, pp. 35-39. Routledge, 2017.

[26] Bodin, Jean, Christiane Frémont, Marie-Dominique Couzinet, and Henri Rochais. Les six livres de la République. Vol. 6. Paris: Fayard, 1986.

[27] Foucault, Michel. "Discipline and punish." In Social theory re-wired, pp. 291-299. Routledge, 2023.

[28] Weber, Economy and Society, transl. by G. Roth and C. Wittich, 4th ed. (1st ed. 1956). P.89. Berkeley: University of California Press.

[29] Barry, Brian. "Power: An economic analysis." Power and political theory: Some European perspectives (1976): 67-101.

Zimmerling considers Social Power as a predecessor of Political Power. Social Power consists in the ability of the political system, through its law-applying and law-enforcing organs, widespread compliance with the system's regulatory norms.[30] Social Power forms Political Power to cause changes in the public and individual behaviours. In turn, Political Power influences society.

1.3. Legal Power

Legal power, according to Zimmerling, is the power exercised in the context of authoritative allocation of values.[31] Hart notes that Legal Power is exercised through legislation.[32] As law created by state authority it is reasonable to count Legal Power as a part of Political Power. Legal Power is connected to specific political power and therefore depends on the specific state legal order.

Amold assumes the primacy of law over power.[33] In essence, Political Power is limited by law. Legal Power is realised by creating barriers to unfair authoritarian power implementation. According to Zimmerling legal power: exists within normative (legal) system; produced by power-conferring rules; brings about to change in the normative system; consists in the competence to act as an authority of norms.[34]

[30] Zimmerling, Ruth. Influence and power: Variations on a messy theme. Vol. 68. Springer Science & Business Media, 2006. P.260.

[31] Zimmerling, Ruth. *Influence and power: Variations on a messy theme*. Vol. 68. Springer Science & Business Media, 2006. P.250.

[32] Hart, H.L.A., Raz, J. and Green, L., 2012. The concept of law. Oxford university press. P.25.

[33] Arnold, Rainer, and José Ignacio Martínez Estay. Rule of Law, Human Rights and Judicial Control of Power. Springer International Publishing, 2017. P.5.

[34] Zimmerling, Ruth. Influence and power: Variations on a messy theme. Vol. 68. Springer Science & Business Media, 2006. P.25.

As was mentioned above, the Legal Power is the conductor or part of Political Power. Legal Power connects authoritarian (political) power and human freedom. Personal freedom tends to become institutionalised, in terms of authority.[35] Freedom is enshrined in the legal framework constructed by authority under Political Power. Locke notes that the idea of freedom, is the idea of a power in any agent to do or forbear any action, according to the determination or thought of the mind, whereby either of them is preferred to the other.[36] Restriction of freedom by legal norms is the effect of Legal Power under the umbrella of Political Power.

State authority influences society by possession of Legal Power (creates rules and order). In turn, society influences authority through Social Power. Legal Power is used to constrain individual freedom or collective social behaviour. At the same time, Legal Power is used to control authoritarian power and protect human freedom and rights. The balance of powers is specific for every country.

For the purpose of the present research, Legal Power is defined as an ability to control or influence by normative means, which creates certain rights and obligations. Legal Power is not always accompanied by legal privilege; there may be a duty not to use it.[37] The concept of Legal Power is fundamentally rooted in human existence and agency. The legal system is a representation of the subjective rationality of a limited range of decision-makers (legislators). Legal Power is placed not only in persons enacting legal norms but also in persons creating or dictating the content and essence of the legal norms. Normative Legal Power could be in the factual ability of persons to 'dictate' the content of the norms in question to the respective

[35] Weber, The Theory of Social and Economic Organization (New York, Oxford University Press, 1947), p. 70.

[36] Locke, John. An essay concerning human understanding. E1–4 II.xxi.8: 237. Kay & Troutman, 1847.

[37] Corbin, Arthur L. "Legal analysis and terminology." *Yale Lj* 29 (1919): 163. P.169.

competent authorities.[38] Therefore, Legal Power is in the persons creating the essence of norms, the persons having legal privilege to implement it and the persons factually enacted legal norms. Under some circumstances, the artificial intelligence system could be an agent that influence, dictates or interpret the content of legal norms, which designates the Legal Power of the artificial intelligence.

1.4. Market Power

Market Power is disproportionate value of one or more objectives of a company (that are a result of market forces and/or the actions of the companies themselves) relative to others.[39] The concept of Market Power is frequently linked to monopolistic power. The monopolistic power is the 'power to control prices or exclude competition'.[40] The economic concept of monopolistic power refers to a companies' ability to set prices, control the output of end product, self-referencing, and stifle competition.

Market Power is lies in individual agents, and therefore it is not legal, but rather private bargaining power. The big tech dominant companies are able to influence society and convert the Market Power to Social Power. Consequently, the Market Power could be considered as a part of Social Power that is governed by private law.

While the AI market is not divided up between large players, there is dominance, but not monopolistic power. Big tech companies could be regarded as having Market Power and dominance by virtue of vertical integration. Vertically integrated technological companies demonstrate Market Power by a presence in a range of user-facing markets. For example,

[38] Zimmerling, Ruth. *Influence and power:* Variations *on a messy theme*. Vol. 68. Springer Science & Business Media, 2006. P.259.

[39] Rao, TVS Ramamohan. Market Dominance and Market Power. Cambridge Scholars Publishing, 2020. P.6.

[40] Eastman Kodak Co. v. Image Technical Servs., Inc., 504 U.S. 451, 481 (1992).

Amazon, Microsoft, Google, and xAI — combine the data, models, computational resources, distribution and talent in one hand.[41] Vertical integration allows big tech companies to use its dominance in one line of business to increase (leverage) own dominance in another line or disadvantage (foreclosure) rivals like in Google ads case[42]. This practice allows the large technology companies to recoup the costs of developing artificial intelligence models and systems after they have gained market dominance and forced competitors out of the market. Under EU regulation the vertical integration could be considered as a self-favouring on a downstream market.[43] A comparable approach to self-referencing by digital gatekeepers is evident in both Japan and Korea.[44] The concentrated market structures on the tech resources and AI models'market can lead to anticompetitive behaviour due to greater coordination and greater-bargaining power, with price-fixing, tacit collusion, and barriers for new entrants.[45]

The mass application of Market Power exerts a significant influence on Social Power. Especially it is dangerous in the AI industry. Uncontrolled dominance on the AI market can leverage the change in the balance of power in society through Market Power. These processes lead to a shift in Social and Political Power balance and pose risks to individual rights and freedoms. For example, Facebook misused the user data in the Cambridge

[41] Goldman David and Duffy Clare. CNN. 'Elon Musk says he sold X to his AI company' (30 March 2025), https://edition.cnn.com/2025/03/28/business/elon-musk-sells-x-to-xai/index

[42] Simeon Thornton, Chris Jenkins,& Marie-Madeleine Husunu. 'Competition in digital advertising markets.' Competition Law Journal 20, no. 2. 89-101. (2021).

[43] Gergely Csurgai-Horváth. 'Regulating algorithmic bias as a key element of digital market regulation.' World Competitsion 47, no. 2 (2024).

[44] Choi, Yo Sop, and Kazuhiko Fuchikawa. 'Self-Preferencing in Korea and Japan.' World Competition 47, no. 4 (2024).

[45] Lina Khan, 'Amazon's antitrust paradox.' Yale lJ 126 (2016).

Analytica case, in which data belonging to 87 million users was shared without consent.[46] Technocrats from dominant tech companies, like Elon Musk, was entering the political arena.[47] It is imperative that control over monopolies extends beyond considerations of commercial outcomes to encompass their societal implications. Particular attention should be given to the restriction of combination of manipulative practises directed at end users.

1.5. Participants of Power Relationship

The participants of the power relationship can be determined as powerful groups (controller, influencer) and deprived groups of society (controlled, influenced). Dahl notes that different actors can be ranked according to power, provided only that there exists a set of comparable subjects for the actors who are to be ranked.[48] For the purpose of power determination, it is necessary in every specific case to rank the participants (actors) who form the power chain. In the domain of power, the power chain assumes a vertical and, in certain circumstances, pyramidal configuration. The actors of pyramidal power structures could compete with each-other. It is notable that the existence of multiply pyramidal structures is conceivable in the absence of a solitary, dominant centre.

At the present time the power is vested and exercised by humans (according to agreed rules and law) but not by technological entities with empty personality, even intelligent. Robert Dahl in his work ‘The Concept of Power’ notes that power is a relation and that it is a

[46] FTC Press release. ‘FTC Imposes $5 Billion Penalty and Sweeping New Privacy Restrictions on Facebook.’ (12 Nov. 2024). https://www.ftc.gov/news-events/news/press-releases/2019/07/ftc-imposes-5-billion-penalty-sweeping-new-privacy-restrictions-facebook

[47] Khanal, Shaleen, Hongzhou Zhang, and Araz Taeihagh. ‘Why and how is the power of Big Tech increasing in the policy process? The case of generative AI.’ Policy and Society (2024).

[48] Dahl, Robert A. "The concept of power." *Behavioral science* 2, no. 3 (1957): 201-215. P.214.

relation among people.[49] However, humans could have a relationship with inanimate objects. Relationship could be grounded on a legal basis as a fiduciary relationship. The fiduciary relationship allows and enacts inanimate objects to be a party of relationship as the personal status is not important in fiduciary relationship. The fact of a relationship even being unilateral is enough to get rights and obligations between parties. In case artificial intelligence has personal meaning for a human, the influence of the artificial intelligence system could be based on the individual significance of the artificial intelligence for humans.

Baldwin argues that power is an actual or potential relationship between two or more actors (persons, states, groups), rather than a property of any one of them.[50] Dahl also notes that human aggregates can have power.[51] Zimmerling assumes that agents have power if they can effectively control some behaviours of some other agents.[52] Adler notes that power lies not only in agents' potential to dominate each other, but also in acting in concert to turn propensities into reality.[53] Hence, the power is rooted not only in individuals but also in forum. One community may exert power over another.

AI can be considered an agent that 'factually enacts' legal norms, as the actions of AI systems can result in specific legal consequences. Artificial intelligence systems can be perceived as an entity with personal power; an instrument; or a powerful technical agent designated by the people. The high degree of autonomy of artificial intelligence and artificial imitation of the humans' cognitive function enable an AI technical agent role. The capacity to

[49] Dahl, Robert A. "The concept of power." *Behavioral science* 2, no. 3 (1957): 201-215. P.203.

[50] Baldwin, David A. "Power and international relations." *Handbook of international relations* 2 (2013): 273-297. P.274.

[51] Dahl, Robert A. "The concept of power." *Behavioral science* 2, no. 3 (1957): 201-215. P.203.

[52] Zimmerling, Ruth. Influence and power: Variations on a messy theme. Vol. 68. Springer Science & Business Media, 2006. P.254.

[53] Adler, Emanuel. 2020.

execute complex tasks independently allows the integration of AI agent into human work processes. The legal agent function of AI gives rise to a number of significant questions regarding the implementation of already extant legal norms. One of example could be the implementation of Postal rule in common law countries. According to the Postal rule an acceptance made by post or by a letter is effective upon postage.[54] According to the case 'Household Fire Insurance v Grant': the post office is a common agent acting for both parties.[55] These days the AI system delivering correspondence, as a permanent establishment of the Federal Government, could be count as an agent. Therefore, analogically, the contract will be effective not at the moment when the offer is accepted, but when it is delivered to the AI.

Perceiving states, entitled groups and legal persons (artificial entities) as the entity with personal power means that every artificial entity can have personal power. Considering the rapid development of technology and associated risks, it is reasonable to root the power in humans. It is crucial to prevent the situation when the collective power is transferred from humans or transformed by law to the power of artificial intelligence. To prevent human rights violation, it is especially important to determine the population at risk, the population that could be under the control and manipulation of persons implementing artificial intelligence technology. The children, youth, non-educated and deprived individuals are substantially at risk.

2. AI Power

2.1. AI Influence.

[54] Stevenson, Jaques, & Co v McLean [1880] 5 QBD 346

[55] Household Fire Insurance v Grant (1879) 4 Ex D 216

Technological progress altered the distribution of power in a new way, which often is not known or expected. The progression ultimately culminated in an influence. Technological influence is the ability to affect or change the behaviour or beliefs of others by technological means under the command of human or incidentally. Artificial intelligence is the absolutely new instrument for technological influence where human intelligence is no longer a unique power. The power of an artificial intelligence system is not only in its ability to be the source of the truth but in its capacity to substitute the human functions in a social relationship, even under human control.

Kuipers at all pointed out that computers cannot be made to reason as powerfully as humans.[56] However, we can see many examples of powerful artificial intelligence in direct competition with humans, like Go or Poker games. The self-learning artificial intelligence system can even overpower another specialised program created and taught by a human. For example, after some hours of self-learning, the Chess AI Alfa-Zero defeats the Stockfish program.[57] The artificial intelligence systems can succeed without knowing rules and plan winning strategies in unknown environments.[58] This success prompts further inquiry into the potency of Power of AI and Power via AI.

2.2. Power via AI

[56] Kuipers, Benjamin, John McCarthy, and Joseph Weizenbaum. "Computer power and human reason." *ACM SIGART Bulletin* 58 (1976): 4-13. P.11.

[57] Gibbs, Samuel. “AlphaZero AI beats champion chess program after teaching itself in four hours.” Accessed online 17.11.2022. https://www.theguardian.com/technology/2017/dec/07/alphazero-google-deepmind-ai-beats-champion-program-teaching-itself-to-play-four-hours

[58] Schrittwieser, Julian. “MuZero: Mastering Go, chess, shogi and Atari without rules.” (2021) Accessed online 23.10.2022. https://www.deepmind.com/blog/muzero-mastering-go-chess-shogi-and-atari-without-rules

Power is an instrument to settle a conflict of interests or create a disbalance of interests. Conflict of interests is equivalent to conflict of preferences.[59] The preference is made as a result of choice. While the choice of objectives lies with humans, the Power via AI employed to address the balance of interest. Therefore, the Power via AI is a way to create or settle conflict of choices between players: 1) human-to- human; 2) human-to-AI; or 3) AI-to-AI.

Human has the cognitive power that influence the development of AI and lead the direction of the artificial intelligence generation process. Humans develop AI models and utilise these models, determining the output. Therefore, AI is a function of humans. Codomain of AI is equal to the domain of humans in its implementation.[60]

If artificial intelligence has no own purpose for action, control, or influence, it acts as a transmitter of someone's will and the source of the human capacity to determine the actions of others. Significance of power depends on the characteristics of the relationship of the commander and commanded. In respect of artificial intelligence, the power of the AI system can be measured via the ability of a person to control or influence others with the help of artificial intelligence. Artificial intelligence technology transmits to humans an active power of other humans, that is the ability to control and make changes.

The power via artificial intelligence is the power of a private person who uses and manages the system purposefully to influence others. Even if human stop managing artificial intelligence, the artificial intelligence will be still available for the use by an accidental user. Uncontrolled AI is able to transform itself into the autonomous incidental factor.

The pivotal question pertains to the capacity of corporations to leverage artificial intelligence for the purpose of profit maximisation, with a focus on the effective regulation of individual members of society. The answer is quite certain. It is axiomatic that no commercial

[59] Lukes, Steven. Power: A radical view. Bloomsbury Publishing, 2021. P.24.

[60] $f(H) = AI$. $f: H \rightarrow AI$. If $f(H) = 0$, $AI = 0$.

company will relinquish the pursuit of commercial benefits, including through the manipulation and control of consumers, unless such an opportunity is shown to be detrimental to the company or the negative effects outweigh the positive ones. Consequently, it appears that control through AI over society is inevitable unless the law makes it economically disadvantageous to use AI to influence society. The initial step in this direction is to restrict access to the sensitive information, which, regrettably, cannot be achieved. The dissemination of sensitive information already occurs on a global scale and is essentially irreversible.

The commercial part of society, commercial platforms, tech giants, and technology providers influence power distribution via AI, making the private powerful player even more authoritative. For example, Elon Mask substitute government in determining foreign policy by managing application of Starlink satellite network in Ukraine.[61] The control over companies and their technological means should be strengthened to prevent the domination of tech power.

2.3. Power of AI

Artificial intelligence is a system based on mathematics, statistics and Bayesian logic that forms the situational knowledge using various types of data. Artificial intelligence is a powerful instrument that can be utilized by humans to solve a variety of problems.

It is evident that there is a distinction between the concept of power through AI and that of power by AI. The power via artificial intelligence is an intentional act of the act architect

[61] Bloomberg. “Elizabeth Warren Demands Probes of Elon Musk, SpaceX After Ukraine Revelations” (2023). https://www.bloomberg.com/news/articles/2023-09-11/elizabeth-warren-demands-probes-of-elon-musk-spacex-after-ukraine-revelations

(human) changing behaviour of people and rebalancing distribution of power. In contrast to Power via AI the Power of AI is not deliberate act.

The power of artificial intelligence is in an action of AI having effect on humans. It is not possible to use the term ‘will’ to define the power of artificial intelligence. The definition applicable to human beings cannot be directly applied to artificial intelligence. Artificial intelligence is a player in social relationships due to its ability to produce output that perceived as meaningful by humans. The power of artificial intelligence is the probability that an artificial intelligence system will be able to autonomously sustain action to influence or reshape human behaviour regardless of the human resistance if any exist.

AI power is determined by AI technology, the permission established by regulatory means and individual ability to critical thinking. Inability of human to control the Power of AI inducts the human’s fear that human is not an independent member of society but a Person Incapacitated Mentally via AI (PIMAI), however retaining the full legal rights. PIMAI is a human in the full legal capacity, if the legal framework allows, with obedience to AI or another tech personal emptiness. Personal emptiness should not be understood as a "persona ficta" (lat. fictional persona), but rather as a “vacuus person” (lat. vacant persona) - an entity, which personality is vacant and can be assumed by a person. PIMAI is the concept that has similarity with Foucault’s the “Docile Bodies” and Deluze’s the “Dividuals”. The “Docile Bodies” are individuals created to serve economic, political and military purposes.[62] The “Docile Bodies” are individuals that are shaped by disciplinary power, a form of political power, that organises bodies in terms of space, time and function. The “Dividuals” are fragmented individuals who exist as a divisible data points or informational units that can be

[62] Foucault, Michel. "Discipline and punish." In Social theory re-wired, pp. 291-299. Routledge, 2023.

broken down, separated, and recombined in various ways outside their control.[63] It appears that AI is just one more instrument to transform the “Docile Bodies” and “Dividuals” to PIMAI. If this PIMAI reaches a high level of concentration in society, it could lead to a redistribution of power among the players due to an absence of volition. As noted by Hin-Yan Lee the usage of artificial intelligence systems introduces different types of power relationship while simultaneously eroding the efficacy of existing procedures and institutions.[64]

It is possible to categorize the Power of AI into three groups: AI Epistemological power, AI Power to mislead, and AI Power of intermediation.

2.4. AI Epistemological power

2.4.1. Information

The capabilities of artificial intelligence are highly dependent on information from the environment. The High Court of Australia in case D'Arcy v Myriad Genetics Inc. notes that the information from natural world “is not ‘made’ by human action”.[65] It's true that data from the natural environment is equal for humans and AI, but the societal environments’ data iscreated by humans. AI does not create the factual information but receives information from nature and humans.

AI cannot always access all the necessary information because of restricted data sets and data obsolescence. The information available to AI systems is limited in quantity, quality, and

[63] Deleuze, Gilles. "Postscript on the Societies of Control." In Surveillance, crime and social control, pp. 35-39. Routledge, 2017.

[64] Liu, Hin-Yan. "The power structure of artificial intelligence." Law, innovation and technology 10, no. 2 (2018): 197-229.

[65] D'Arcy v. Myriad Genetics Inc, 2015 H.C.A. 35 (2015). Accessed online on 11.12.22. https://eresources.hcourt.gov.au/downloadPdf/2015/HCA/35

scope. In some cases, AI can synthesise information that can be used as an alternative to factual information. However, the synthetic information produced by AI is not factual, but it mimics data. It should be taken into account that the information produced by AI is defective due to problems with data sets or AI design.

Artificial intelligence systems are able to analyse and interpret information to provide insight. The ability to produce a reliable outcome is the foundation of power. For example, artificial intelligence can uncover insights to help improve health outcomes and patient experiences.[66] The accurateness of data and ability of AI to cultivate reliable information determines trustworthiness of outcome.

Some sort of information like confidential, scientific, commercial, sensitive information are not equally accessible. Artificial intelligence is able to extract or predict sensitive information. The model trained using sensitive data could reflect some of the private details in its output.[67] Implementation of artificial intelligence could influence the power distribution by providing access to confidential information. The shadow AI can run on employee mobile devices outside the organization's perimeter and control.[68] Unsophisticated but confidential information could provide more power to user than knowledge complicated by character. Disclosure or private access to confidential information, sensitive data, or commercial secret could substantially harm humans as the confidential information loses value via public disclosure.

[66] IBM. How is artificial intelligence used in medicine? Accessed online on 19.11.22 https://www.ibm.com/topics/artificial-intelligence-medicine

[67] Carlini Nicholas, Privacy Considerations in Large Language Models, 2010. Accessed online 24.10.2022 https://ai.googleblog.com/2020/12/privacy-considerations-in-large.html

[68] Mello John. "IT Pros 'Extremely Worried' About Shadow AI: Report." TechNewsWorld. Accessed online 05.06.2025 https://www.technewsworld.com/story/it-pros-extremely-worried-about-shadow-ai-report-179766.html

2.4.2. The Knowledge

Human beings are distinguished by their capacity for communication, interaction, and the ability to understand the environment. In the human realm, knowledge is condition of being aware of something.[69] The knowledge is important because it is the predecessor of judgment, which is the precursor to action, and action is the manifestation of power. The formation of knowledge is derived from the information and the application of logic and reasoning, which, in essence, is mathematics. The two fundamental cognitive abilities: the possession of knowledge and the capacity for logical reasoning determine the human capacity for truth-seeking. Knowledge offers the possibility to humans to think more critically about the world and reshape the socio-Political Power structures to create a culture of freedom.[70]

The situation with knowledge is changed in the "human plus AI" society. The acquisition of knowledge, as a foundation of power, could be achieved through the utilization of AI. Apart from empowering themselves via AI, there is also the possibility of disempowering others via AI. People are able to alter information using AI to influence individuals and society.[71]

From a human standpoint, it is plausible to assert that AI systems exhibit the capacity to acquire knowledge. AI has a predetermined specialization in one or more spheres, ways of communication, and preassigned objectives. The AI Knowledge can be conceptualized as a competence of AI to interpret information, thereby enabling epistemic contact with reality

[69] Merriam-Webster dictionary. Accessed online on 20.10.2022. https://www.merriam-webster.com/dictionary/knowledge

[70] Quinn, Patrick. "Knowledge, power and control: Some issues in epistemology." In *The Paideia Archive: Twentieth World* Congress *of* Philosophy, vol. 41, pp. 199-206. 1998. P.199.

[71] Stupp, Catherine "Fraudsters Used AI to Mimic CEO's Voice in Unusual Cybercrime Case". The Wall Street Journal. 2019. Accessed online on 20 October, 2022. https://www.wsj.com/articles/fraudsters-use-ai-to-mimic-ceos-voice-in-unusual-cybercrime-case-11567157402?mod=hp_lead_pos10

and the generation of expected output. Artificial intelligence does not possess knowledge as a human being does, because it cannot be aware of something. But AI processes information in unique way depending on training condition, training data, type of model, weights, gradients and other parameters. Artificial intelligence used the information, organised it to data and autonomously produce new AI Knowledge that could be meaningful for humans. Due to the explicit nature of these AI parameters, the AI knowledge is characterized by a high degree of transferability. In contrast, the human knowledge is often subject to significant loss of information and meaning during the process of transfer. Artificial intelligence helps to fill the knowledge gap or substitute human knowledge. The knowledge construction process initiated by a human via AI highly depends on the output processed by artificial intelligence autonomously. AI could amplify or deflate human intelligence. However, humans often face challenges in accurately discerning the truth in AI output.

Knowledge is the bedrock of truth but knowledge is not equal truth. Keyes noted that artificial intelligence is an unprecedented and unimpeachable source of truth.[72] In essence, artificial intelligence should not be regarded as an absolute truth; instead, it is a source of knowledge that can potentially lead to truth or be perceived as truth. Though unverifiable, AI Knowledge is often indistinguishable from the original. The issue emerges when the AI Knowledge becomes an alternative to human or substitute human knowledge. The knowledge generated by artificial intelligence is a source of truth that could modify original human knowledge. By AI the humans transfer own subjective knowledge to the AI Knowledge, which in turn perceived as a human truth and erode human critical thinking.

The passive power of human, as a servile submission to AI Knowledge, thereby establishes AI as the preeminent source or arbiter of truth and culminates in the formation of

[72] Keyes, Os, Zoë Hitzig, and Mwenza Blell. "Truth from the machine: artificial intelligence and the materialisation of identity." Interdisciplinary *Science Reviews* 46, no. 1-2 (2021): 158-175. P.170.

AI Epistemological Power. Artificial intelligence processes of knowledge formation should be detached from the human's knowledge construction process if the information and knowledge produced by artificial intelligence are uncertain, indecipherable or incomprehensible to humans.

2.5. Trust and Obedience

The AI Knowledge could be perceived by humans as true by beliefs. The permanent ability of artificial intelligence to succeed or generate statements that are correct, true, and verifiable for humans creates trust in artificial intelligence, establishes its credibility, reliability and believes that artificial intelligence is a better source of truth than humans. If the AI Epistemological Power exceeds the human's capacity to argumentation, reasoning and critical thinking, the artificial intelligence would be able to eliminate alternatives for humans. AI Epistemological power has a negative effect on society via wilful human obedience to artificial intelligence even if it happens without AI or the act architect intentional influence. This, in turn, could lead to greater trust in the AI system and belief that it is a superior source of truth compared to humans. Trust is the ground for further development of belief, obedience, and controlledness. Hence, there is a Paradox of Obedience to Emptiness, which involves the transfer of power from human to an inherently powerless, purposeless and non-personified entity.

According to Weber, a criterion of every true relation of imperative control is a certain minimum of voluntary submission; thus, an interest in obedience.[73] Therefore, artificial intelligence systems cannot obtain the imperative control over humans without human obedience. Sykes supposes that total control over humans is impossible due to the defect of

[73] Weber, The Theory of Social and Economic Organization (New York, Oxford University Press, 1947), p. 324.

the total power.[74] Defects of power means that the total power and control are possible only by coercive force, which excludes obedience. In this case the implementation of the coercive force underlines the lack of power. Hence, humans being always has a chance to escape an AI control and dominance.

Weber underlines that a person may be bound to obedience to their superior by custom, by affectual ties, by a purely material complex of interests, or by ideal motives.[75] In this sense the law should prevent humans to be bound by obedience to AI or via AI by custom (the regular acceptance of AI intellectual superiority); affectual ties (emotional humanization); by material interests (following instructions to get benefits); and by ideal motives (believes in the fairness of situation).

2.6. AI Power to Mislead

Artificial intelligence can mislead humans. Mislead means leading to a mistaken action or belief.[76] Lukes notes that the power to mislead is the cognitive power of considerable significance and scope, but not privileged access to the truth.[77] Regarding artificial intelligence, the 'cognitive' should be understood as an ability to generate a solution comparable to a human one. Artificial intelligence's ability to modify information or generate knowledge can influence humans' power. This function of artificial intelligence could be used by humans intentionally to reshape human rights.

The specific problems associated with the AI Power to mislead and influence to Social Power are the possibility of exacerbating human error, making wrongful decisions by itself,

[74] Sykes, Gresham M. The society of captives: A study of a maximum security prison. Princeton University Press, 2007.

[75] Weber, The Theory of Social and Economic Organization (New York, Oxford University Press, 1947), p. 325.

[76] Merriam-Webster dictionary. Accessed online 20.11.22 https://www.merriam-webster.com/dictionary/mislead

[77] Lukes, Steven. "Power: A radical view" Macmilian Education UK. (2005). P.149.

and influencing human decisions by modification of information, providing insight, prognosis, prediction, recommendations, or other ways. The errors in output, hallucinations and pareidolia are inherent trait of artificial intelligence. Artificial intelligence can write convincing fake research-paper abstracts that scientists are often unable to spot them.[78] As artificial intelligence is the reflection of the most prevalent but not the most accurate and truthful information, it has the potential to pose a threat to individuals who lack the capacity for critical thinking.

The AI Power to Mislead is connected to AI Power of Intermediation. The role of artificial intelligence as an autonomous technical agent can be conceptualized as an intermediary that facilitates connections between individuals, thereby acquiring the Power of Intermediation. AI, serving as both the transmitter of information and the point of access, has the potential to influence the exchange of information between humans with misleading effects. Misleading information and wrongful perceptions of information affect interaction of society and state authorities with the limitation of choice and transformation of persuasions. Any mistake or bias of AI enables disconnection, misunderstanding, separation or destruction of humans' cooperation or humans' coalitions. Artificial Intelligence Act underlines that artificial intelligence is a powerful tool for manipulative, exploitative and social control practices.[79] The AI intermediary function can serve both passive and active roles, depending on the specific context. In a passive role, it functions as a transmitter, while in an active role, it assumes a controller role. The initiation of an active role for artificial intelligence allows AI to moderate content created by humans and control human action. For example, Twitter's

[78] Else, Holly. "Abstracts written by ChatGPT fool scientists." *Nature* 613, no. 7944 (2023): 423-423.

[79] Artificial Intelligence Act, EU. 2024.

automated moderation tool locked the account of an astronomer for sharing a video of a meteor.[80]

The implementation of AI functionality for the purpose of constructing an illusory environment should be executed in a manner characterised by transparency and informed decision-making. The normalization of illusions, including manipulations, should be prohibited.

2.7. State authority and AI

Political, legal and social powers are inherently rooted in human agency. Legislators, policymakers and other decision-makers shape political resolutions and legal norms by applying their own subjective reasoning to the decision-making process. In turn AI is involved in shaping the decision-makers' subjective reasoning.

One of the major problems is the use of artificial intelligence for power redistribution between private members of society and public authority. Technology and political power are entering into symbiosis. A technology that knows more about man and the world than man knows about himself, and that is given ever more decision-making powers, leads to a massive asymmetry of knowledge and power in the relationship between man and machine.[81] State authority by means of artificial intelligence systems creates a significant degree of power imbalance that "may lead to surveillance, arrest or deprivation of a natural person's liberty as well as other adverse impacts on fundamental rights".[82] The state authority power is

[80] Kleinman, Zoe. Astronomer in Twitter limbo over 'intimate' meteor. BBC. (2022). Accessed online 21.11.2022. https://www.bbc.com/news/technology-63626769

[81] Nemitz, P. (2019). Power in Times of Artificial Intelligence. Delphi, 2, 158.

[82] Artificial Intelligence Act, EU. 2022. Draft.

implemented “through surveillance, facial recognition, and deployment of lethal autonomous weapons systems”.[83]

Governments tend to use technology against members of society. For example, the Netherlands authority used an algorithmic 'risk model' to analyse citizens' data despite the ban and landmark court ruling. The unsuspecting citizens were exposed to massive amounts of opaque surveillance by linking their personal data, including age, gender, water and electricity consumption, children, partner relationships, vehicles, bank accounts and debts.[84] The spyware Pegasus can extract the contents of a phone to provide real-time surveillance. Pegasus has been purchased by law-enforcement agencies in the United States and across Europe.[85] In China, there is the China’s Corporate Social Credit System, which collects data on every legal entity in China. In Hesse, Germany, the authorities have used the AI-enabled software ‘Gotham’ to use it for predictive policing and determining connections between persons or objects.[86] The implementation of the system raises concerns about the mass aggregation of data, how the system may be abused, and how it may enable discrimination.[87]

The situation with control over society by AI should not be normalized. It is therefore vital that AI is not permitted to be implemented for the purpose of engineering a disciplinary society as outlined by Foucault, nor a controlled society as delineated by Deleuze.

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[83] Maphosa Vusumuzi. "Artificial Intelligence and State Power," 2023 International Conference on Artificial Intelligence, Big Data, Computing and Data Communication Systems (icABCD), Durban, South Africa, 2023, pp. 1-5, doi: 10.1109/icABCD59051.2023.10220459.

[84] Davidson David at all. “The algorithm addiction”. Lighthousereports. Accessed online 21.12.2022. https://www.lighthousereports.nl/investigation/the-algorithm-addiction/

[85] Farrow, Ronan. How Democracies Spy on Their Citizens. Accessed online on 14.02.2023 https://www.newyorker.com/

[86] Monroy Matthias. German Constitutional Court hears case on automated data analysis by the police. 20.12.2022. Accesssed online on 21.12.2022. https://digit.site36.net/2022/12/20/legal-action-against-commissioner-computer/

[87] Schaefer, Kendra. "China’s corporate social credit system-context, competition, technology and geopolitics." Trivium China (2020). P.4.

2.8. Unequal access to AI

Unequal access to artificial intelligence creates inequitable distribution of knowledge in society and changes the balance of power. The Unequal Access can be a result of intentional actions of public authorities, private companies, and individual deprivation,

The AI systems could be intentionally restricted by a state authority to distribute knowledge unequally, thereby depriving specific groups, both within and without the state, of advantages provided by AI. Access to AI could be regarded as a privilege, so restrictions could be imposed to some civilians. It is possible that some criminals will not be allowed to use AI due to legal restrictions.

Artificial intelligence can be used not only for widening the power inequalities between members of society but also as an instrument of competition between countries. Posner notes that 'the world has seen various periods of colonialism, in which more powerful states have conquered less powerful states and turned them into 'colonies'.[88] Artificial intelligence can substantially increase state power, which ends in a new form of colonialism or dependence. Public authorities regard AI as a potential instrument of domination. For example, the distribution of certain AI systems is prohibited in countries considered to be hostile. For instance, the majority of technology companies have implemented restrictions prohibiting the utilisation of their artificial intelligence systems in the territory of the Russian Federation. The inclusion was not incorporated in the recommendations by the US Department of Defense.[89]

[88] Posner, Eric. Economic foundations of international law. Harvard University Press. (2013). P.15.

[89] United States Department of Defense, Board, Defense Innovation. "AI principles: recommendations on the ethical use of artificial intelligence by the department of defense: supporting document." (2019).

The economic benefits of AI, such as increased productivity and efficiency, can concentrate wealth among those who control AI technologies. It is expected, that private companies will tend to unequal distribution of information for commercial purposes especially in advertising like in Google or Twitter cases.[90]

It is expected that some users will not be able to use artificial intelligence due to a lack of access to infrastructure. Equal availability of instrument is a measure of human power. The equality and inclusiveness are the core principles preventing unequal distribution of power and fair competition. Inclusion (everyone can benefit) is mentioned as the core ethical principles by Vatican.[91] The individual unequal access to AI will exacerbate the income inequality. The high-skilled workers with proficiency in AI will accrue greater benefits than those lacking proficiency in this domain.

Competition for truth will change the power balance between the users of artificial intelligence and humans who cannot use artificial intelligence. Interference by a public authority or commercial companies to the information process is a violation of the right to freedom to hold opinion and the right to fair access to artificial intelligence systems as a source of knowledge and information. It is important to preserve the equal right to obtain information from artificial intelligence systems for every human. Artificial intelligence systems shall be equally available to people.

2.9. Power Approach to regulation

The specific problems associated with the influence of artificial intelligence on social and political power are: the possibility of exacerbating human error; the potential for the AI system to make wrongful decisions independently; influencing human decisions by

[90] Kerkhof Jacob. Being misled by a google ad: who is responsible? TheDigitalConstitutionalist. Accessed online 12 Mya 2025. https://digi-con.org/being-misled-by-a-google-ad-who-is-responsible/
[91] VATICAN, Rome Call for AI Ethics, 2020. Accessed online 08.03.2023 https://romecall.org/romecall2020/

modifying information, manipulating data, employing nudging techniques, and injecting biases in insight, prognosis and recommendations. Implementation of AI could produce positive or negative effects on humans. It should be noted that even the positive effects shall be measured and controlled, as it could be positive only in the eyes of the act architect (e.g. tech companies), the person who designs and implements the AI system. Nor act architect neither AI shall be a judge of what constitute the benefits for humans.

The Power approach provides a comprehensive explanation of how the implementation of Power of AI and the Power via AI affects the allocation of resources and benefits. The Power approach is based on the idea that assessment of an object (humans and potential harm to human rights) and/or assessment of instrument (AI and its ability to biases) will not provide reliable ex-ante information about harmful effects to society. It is necessary to assess the influence that produce human via AI or AI by itself. Power approach does not tell something about good or bad but only about the potential ability to determine the action of others.

The Power Approach is defined as a regulatory modality concerning the Power Dynamic between humans without AI and humans with AI components or AI entities operating independently. Power Dynamic refers to the distribution of power between players, with the utilisation of AI within a given context, highlighting changes in the scope, sphere; and weight of the power over time. The Power Dynamic determines the person who holds more influence or control. The dynamic is fluid and context-dependent, influenced by factors such as specific AI technology, objectives of act architect, ability to critical thinking of target person, knowledge, and the history of relationships.

In contrast to bipolar (yes-no) human centric and ethical approaches to the regulation of artificial intelligence, the Power Approach provides calculable and gradable measures. Power of AI and Power via AI could be gradually measured from “no influence” to “full control”.

The positive correlation between action (AI or human behind AI) and the desired effect on human demonstrates the presence of influence (hence, power). The degree of effect testifies the degree of influence.

2.10. Law for AI

The implementation of Power of AI and Power via AI needs to be regulated. Hin-Yan Lee stresses out that the challenges posed by artificial intelligence is a problem, which are not raised by intelligence, but as an extension of the problems of power, and the processes of legitimation, subjugation, and control.[92]

There are four areas of regulation associated with AI: the exacerbation of personal power via AI; the realisation of AI power; the coercive control over humans by AI or via AI; and the human obedience. The primary purpose of the regulation of artificial intelligence should be the enhancement of social good, personal development, healthy life and mitigation of mass risk. The subject of regulation is the act architect and artificial intelligence. Substantial part of regulation should be dedicated to intentional attempts of developers, engineers, and users of AI to negatively influence society. The law should prevent the direct control or subliminal influence with the help of artificial intelligence over political, social, and legal power. It is necessary to regulate monopolistic and dominant practices to ensure a fair and competitive AI ecosystem, taking into account the high cost of AI system production. Strengthening control over monopolies, incorporation of ethical frameworks, and fostering international cooperation can help balance the impact of AI on society and ensure its safe and fair use.

The ability of artificial intelligence to make choices autonomously is a technological barrier for the implementation of artificial intelligence power under control of humans.

[92] Liu, Hin-Yan. "The power structure of artificial intelligence." Law, innovation and technology 10, no. 2 (2018): 197-229. P.5.

Artificial intelligence, either as an instrument or technical agent, should not be granted power equal to that of a human being. The non-human cannot be equal to human. The power and capacity for the full autonomy of action should not be attributed to artificial intelligence. Legal Power should prevent the excessive or dominant authoritarian power over humans executed with the help of artificial intelligence.

Apart the regulation of act architects' activities and AI actions, it is necessary to improve resistance of society to potential AI dominance. The law enabling the ability to refuse subordination to artificial intelligence (the passive tech power) is essential. Prevention of passive subordination to act architect with active tech power is the same important as the prohibition of active human discrimination with the help of artificial intelligence. Members of society should be educated on practical application of AI. The primary emphasis should be on cultivating general critical thinking abilities.

Baudrillard notes that 'neither should power, if it really wants to be effective in its exercise, aim at its own continuity: it should somehow desire its own death'.[93] The continuity of the human species is not in artificial intelligence; rather, it is sustained by the utilisation of AI in harmony with a multitude of other objects. If humans have got powerful dominant artificial intelligence, they should realise how to stop it for the purpose of continuity of civilization. Every regulation on every level should stipulate the shutdown of AI autonomous self-determination, catastrophic biases or subliminal mass implementation.

3. Conclusion

There are Social Power, Political Power, Power via AI and Power of AI. The law is a tool that is employed by the relevant parties to regulate the relationship and distribution of

[93] Baudrillard, Jean. "Fatal strategies." Published by Semiotext(e), (2008). P.105.

power between human beings. For this reason, it should not be regarded as a form of power in itself; in fact, it should be considered an instrument.

Artificial intelligence is a technology that can be used by humans to redistribute and concentrate power with the overarching objective of deriving benefits by exerting influence over society. AI could be a friend. Artificial intelligence can influence members of society by changing information, which is a source of knowledge. This, in turn, forms trust and beliefs in artificial intelligence. Artificial intelligence is able to provide accurate solutions, which outperform human's abilities to generate and implement the decision. Humans' belief in the recommendations and actions of artificial intelligence creates the ability to influence and control humans via artificial intelligence.

Human is the engine to produce morality, truth, fairness, and freedom on the ground of knowledge. In contrast to humans, artificial intelligence has no own capability to noesis[94] and ethics, hence, it cannot perceive metaphysical ideas or fairly estimate humans' ethical values. Artificial intelligence cannot produce ethical and fair recommendations. Therefore, the recommendations of artificial intelligence are defective and inherently imperfect. It is necessary to strongly separate artificial intelligence, power, decision-making process, and artificial morals as totally different from human ones.

Artificial intelligence with a high degree of autonomy can be a self-sufficient source of power. The specific trait of artificial intelligence is the ability to eliminate alternatives for humans due to the easiest and best solution provided by artificial intelligence. The blind obedience and acceptance of any choice recommended, nudged or taken by artificial intelligence makes humans powerless. A powerless society cannot resist pressure. This creates a dangerous situation with a concentration of power. Technological progress creates a

[94] Knowledge of the ideas. Merriam-Webster dictionary. Accessed online on 20.10.2022. https://www.merriam-webster.com/dictionary/noesis

situation where artificial intelligence could be used to influence Political, Legal, and Social Power.

Power is an element of normative order influenced by technology. The power of technology can be limited by Legal Power (normative order) established by society through authority.

The application of artificial intelligence by a small group of people or authority can diminish Social Power. It is necessary to maintain the status quo in spite of the expected imbalance as a result of the implementation of artificial intelligence. It is recommended that the artificial intelligence system, which is not considered a high-risk system but has a mass implementation, should be regulated as a technology that has a significant influence on society with appropriate requirements of transparency and control.

The technology could be regulated on the ground of the power approach, measuring the distribution of power in society with the help of artificial intelligence system. The power approach is focused on the human behind AI (act architect) but not on artificial intelligence (risk approach) or human (human centric/rights approach).

The power approach to regulation of AI could be adapted as alternative to ethical, risk or human rights approaches.

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